

III. REMARKS

Status of the Claims

Claim 1 is amended and new claims 8 and 9 are added. Claims 1-9 are presented for consideration.

Summary of the Office Action

Claims 1-3, 5 and 7 stand rejected under 35USC102(e) on the basis of the cited reference Danial et al, U.S. Patent No. 5,175,459. Claims 4 and 6 stand rejected under 35USC103(a) based on the reference Danial in view of the "general state of the art". The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks.

Applicant has amended claim 1 of this application to emphasize the semi-integral nature of the vibrator construction of this invention. The vibrator is not a separate component of the communication device plugged into a circuit board with all the other components. It is assembled in a separate compartment of the appliance housing for maximum coupling of the vibrations to the housing, thereby enhancing the effect of the vibrations.

Discussion of the Cited Reference

The Examiner has cited the reference Danial in primary support of the rejections based on anticipation and obviousness. In the citation of Danial, the Examiner states:

"Danial discloses.....a housing having a compartment constructed therein to accommodate a vibration generating device;"

Applicant has amended claim 1 to clarify what was intended in the recitation of a compartment within the housing. Claim 1 now indicates that the vibration device of this invention is mounted in a compartment formed in the housing of the communication device, separate from the enclosed space of the interior of the housing. There is therefore a confined spaced divided from the main interior space of the housing for the purpose of isolating the vibration device and allowing it to become substantially integral with the housing. The cited reference Danial has one enclosure 302 which is for the vibration device.

When used in a portable communications device, as suggested in Danial, the vibration device is mounted with the communication device complete with housing 302. A pin 304 integral with the housing 302 supports the magnetic counter weight 308 for rotation above the coils 322. Coils 322 are imbedded in substrate 301. There is no stator upon which the rotor is mounted as described in claim 1 of this invention. In the structure of Danial, vibrations are coupled to the housing 302 by pin 304, and therefore not directly to the housing of the communication device as in the subject application (see column 5, lines 32-38).

Further the rotor of the device of Danial is a circular disc 312 having a wedge shaped counter weight 308 formed thereon (see column 4, lines 52-56. The rotor of this application is described as a sector of a circle in claim 2 and stands alone on its pin, as indicated in claim 2 of this application.

There is no structure, described in Danial, that is directed to optimizing the magnetic coupling of the rotor to the coils. The interface of the rotor and stator of this invention are designed to enhance this magnetic coupling by closely nesting the rotor on

the stator using the structure described in claim 3 and in new claims 8 and 9.

Because of the above described differences in structure the device of Danial does not support the rejection based on anticipation.

The Issue of Anticipation

It is well settled that a claim is anticipated, "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (See CHISOLM, Federal Circuit Guide, Pg. 1221).

The elements of the claim and their function and purpose within the claim must be reviewed in a manner similar to an infringement analysis. If the device described in the cited reference would not infringe if it was later, it will not anticipate if the reference is earlier.

Applying this standard to a system as described in the reference Danial et al, it is observed that significant elements of the claims are missing.

For example, claim 1 states:

"a housing for enclosing components of the appliance, said housing having a separate compartment constructed therein to accommodate a vibration generating device;

a stator mounted in the separate compartment having means to receive a rotor for rotation thereon about an axis;

wherein the stator and rotor are assembled in a compact operative relation and mounted within the compartment."

Since this structure is not taught by the cited reference, the system described therein, would not infringe and therefore, the reference does not support a rejection based on anticipation. This would also apply to the rejected dependent claims.

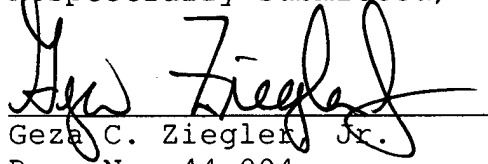
The Issue of Obviousness

The above described deficiencies of the primary reference is not remedied by the proposed combination with the teaching of the so called "well known prior art". While electric motors having 100 turns in its coil may be common, it is not common to provide a vibration generator in a communications device that is driven with at least 100 coils as recited in claim 4. It is the structure of the subject invention that provides the ability to have 100 turns on the coil and to drive vibrator with 3.6 volts or more. The vibration generator of this invention integrates into the housing of the communications device in a simple, efficient, and compact manner, thereby enhancing the overall effect of the vibrator. The examiner must consider the claims as a whole, which includes all of the limitations of claim 1 from which the claims 4 and 6 depend.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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